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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/731,790	12/09/2003	Michael Kilian	E0295.70190US00	4910
46630 7590 09/08/2010 EMC Corporation c/o WOLF, GREENFIELD & SACKS, P.C. 600 ATLANTIC AVENUE BOSTON, MA 02210-2206				
EXAMINER PHAM, KHANH B				
ART UNIT 2166		PAPER NUMBER		
NOTIFICATION DATE 09/08/2010		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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### Office Action Summary

**Application No.**

10/731,790

**Applicant(s)**

KILIAN ET AL.

**Examiner**

Khanh B. Pham

**Art Unit**

2166

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 June 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 65-78 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 65-78 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/CD)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 21, 2010 has been entered.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 65-78 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stuart et al., (US 2005/0055519), hereinafter Stuart in view of McGovern et al. (US 2005/0097260 A1), hereinafter McGovern.**

**Regarding claim 65**, Stuart teaches a method for use in a computer system comprising at least one host and at least one storage system, the method comprising acts of:

(A) receiving a request, from the host, to delete a unit of content stored on the storage system (see paragraph [0020], Figs. 4 & 9),

(B) determining whether previously-defined retention period for the unit of content has expired; (see paragraph [0020], Figs. 4 & 9)

(C) when it is determined in the act (B) that the retention period for the unit of content has not expired, denying the request to delete the unit of content (See paragraphs [19-20], Fig. 9); and (D) when it is determined in the act (B) that the retention period for the unit of content has expired, directly deleting the unit of content in response to the request (see paragraphs [93-94], Fig. 9).

However, Stuart does not explicitly teach "wherein a previously-defined retention period for the unit of content is stored in the unit of content, wherein the request identifies the unit of content using a content address generated, at least in part, from at least a portion of the content of the unit of content and wherein the at least a portion of the content of the unit of content includes the previously-defined retention period and at least some other content in the unit of content" as claimed.

McGovern teaches wherein a previously-defined retention period for the unit of content is stored in the unit of content, ... and wherein the at least a portion of the content of the unit of content includes the previously-defined retention period and at least some other content in the unit of content" at [0017] and [0020]. Particularly, McGovern teaches at [0017] the content address is generated using a hash function. McGovern also teaches at [0020] the retention period is stored in the file's "last access time" property/attribute field, that remains permanently is associated with the files.

Stuart and McGovern are analogous art pertinent to the problem to be solved. A skilled artisan would have been motivated to combine Stuart and McGovern because both are directed to method for managing file retentions. Therefore at the time of invention, it would have been obvious to a person having ordinary skill in the art to combine Stuart and McGovern in order to protect data files such that only unnecessary data can be deleted. Using the file identifier generated from the content of the file would prevent accidentally deleting files based on similar filenames.

**Regarding claim 66**, Stuart teaches the method, wherein the acts (A), (B) and (C) are performed by the storage system. (See paragraphs [7, 22-24]; Fig. 1)

**Regarding claim 67**, Stuart teaches the method, further comprising an act (D) of, prior to performing the acts (A), (B) and (C), receiving information specifying the retention period for the unit of data. (See paragraphs [32-33], Fig. 4)

**Regarding claim 68**, Stuart teaches the method, further comprising acts of, prior to performing the acts (A), (B) and (C):  
(D) receiving the unit of data at the storage system (See paragraphs [7, 39-41]); and  
(E) writing the unit of data to the storage system. ([8])

**Regarding claim 69**, Stuart teaches the method, further comprising acts of, prior to performing the acts (A), (B) and (C):

(F) receiving information specifying the retention period for the unit of data along with the unit of data; and (Paragraphs [32-33], Fig. 4)

(G) writing the information specifying the retention period to the storage system (paragraphs 32-42).

**Regarding claim 70**, Stuart teaches at least one computer readable storage medium encoded with instructions that, when executed on a computer system, perform a method for use in the computer system, wherein the computer system comprises at least one host and at least one storage system, and wherein the method comprises acts of

(A) receiving a request, from the host, to delete a unit of content stored on the storage system (See paragraph [0020], Figs. 4 & 9); (See paragraph [20], Figs. 4+9)

(B) determining whether previously-defined retention period for the unit of content has expired; (See paragraph [0020], Figs. 4 & 9)

(C) when it is determined in the act (B) that the retention period for the unit of content has not expired, denying the request to delete the unit of content (see paragraphs [19-20], Fig. 9); and (D) when it is determined in the act (B) that the retention period for the unit of content has expired, directly deleting the unit of content in response to the request (see paragraphs [93-94], Fig. 9).

However, Stuart does not explicitly teach "wherein a previously-defined retention period for the unit of content is stored in the unit of content, wherein the request identifies the unit of content using a content address generated, at least in part, from at least a

portion of the content of the unit of content and wherein the at least a portion of the content of the unit of content includes the previously-defined retention period and at least some other content in the unit of content" as claimed.

McGovern teaches wherein a previously-defined retention period for the unit of content is stored in the unit of content, ... and wherein the at least a portion of the content of the unit of content includes the previously-defined retention period and at least some other content in the unit of content" at [0017] and [0020]. Particularly, McGovern teaches at [0017] the content address is generated using a hash function. McGovern also teaches at [0020] the retentions period is stored in the file's "last access time" property/attribute field, that remains permanently is associated with the files.

Stuart and McGovern are analogous art pertinent to the problem to be solved. A skilled artisan would have been motivated to combine Stuart and McGovern because both are directed to method for managing file retentions. Therefore at the time of invention, it would have been obvious to a person having ordinary skill in the art to combine Stuart and McGovern in order to protect data files such that only unnecessary data can be deleted. Using the file identifier generated from the content of the file would prevent accidentally deleting files based on similar filenames.

**Regarding claim 71**, Stuart teaches the at least one computer readable storage medium, wherein the acts (A), (B) and (C) are performed by the storage system (See paragraphs [7, 22-24]; Fig. 1).

**Regarding claim 72**, Stuart teaches the at least one computer readable storage medium, further comprising an act (D) of, prior to performing the acts (A), (B) and (C), receiving information specifying the retention period for the unit of data.

**Regarding claim 73**, Stuart teaches the at least one computer readable storage medium, further comprising acts of, prior to performing the acts (A), (B) and (C): (See paragraphs [32-33], Fig. 4)  
(D) receiving the unit of data at the storage system (See paragraphs [7, 39-41]); and  
(E) writing the unit of data to the storage system. ([8])

**Regarding claim 74**, Stuart teaches the at least one computer readable medium, further comprising acts of, prior to performing the acts (A), (B) and (C):  
(F) receiving information specifying the retention period for the unit of data along with the unit of data; and (Paragraphs [32-33], Fig. 4)  
(G) writing the information specifying the retention period to the storage system. (Paragraphs 32-42).

**Regarding claim 75**, Stuart teaches a storage system for use in a computer system comprising at least one host and the storage system, the storage system comprising: at least one storage device to store data received from the at least one host (See paragraph [0020], Figs. 4 & 9); and at least one controller that; receives a request, from the host, to delete a unit of data stored on the storage system (See paragraph



[0020], Figs. 4 & 9), wherein a previously-defined retention period for the unit of content is stored in the unit of content, determines whether the previously-defined retention period for the unit of data has expired; when it is determined that the retention period for the unit of data has not expired, denies the request to delete the unit of data (See paragraphs [19-20], Fig. 9); and when it is determined that the retention period for the unit of content has expired, directly deletes the unit of content in response to the request. (See paragraphs [93-94], Fig. 9)

However, Stuart does not explicitly teach "wherein a previously-defined retention period for the unit of content is stored in the unit of content, wherein the request identifies the unit of content using a content address generated, at least in part, from at least a portion of the content of the unit of content and wherein the at least a portion of the content of the unit of content includes the previously-defined retention period and at least some other content in the unit of content" as claimed.

McGovern teaches wherein a previously-defined retention period for the unit of content is stored in the unit of content, ... and wherein the at least a portion of the content of the unit of content includes the previously-defined retention period and at least some other content in the unit of content" at [0017] and [0020]. Particularly, McGovern teaches at [0017] the content address is generated using a hash function. McGovern also teaches at [0020] the retention period is stored in the file's "last access time" property/attribute field, that remains permanently is associated with the files.

Stuart and McGovern are analogous art pertinent to the problem to be solved. A skilled artisan would have been motivated to combine Stuart and McGovern because

both are directed to method for managing file retentions. Therefore at the time of invention, it would have been obvious to a person having ordinary skill in the art to combine Stuart and McGovern in order to protect data files such that only unnecessary data can be deleted. Using the file identifier generated from the content of the file would prevent accidentally deleting files based on similar filenames.

Regarding claim 76, Stuart teaches the storage system, wherein the at least one controller receives information specifying the retention period for the unit of data (see paragraphs [7, 22-24]; Fig. 1).

Regarding claim 77, Stuart teaches the storage system, wherein the at least one controller receives the unit of data and writes the unit of data to the at least one storage device (see paragraphs [32-33], Fig. 4).

Regarding claim 78, Stuart teaches the storage system, wherein the at least one controller receives information specifying the retention period for the unit of data along with the unit of data and writes the information specifying the retention period to the at least one storage device (paragraphs 32-42).

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 65-78 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Examiner's Note: Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

In the case of amending the Claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

The prior art made of record, listed on form PTO-892, and not relied upon, if any, is considered pertinent to applicant's disclosure.

If a reference indicated as being mailed on PTO-FORM 892 has not been enclosed in this action, please contact Lisa Craney whose telephone number is **(571) 272-3574** for faster service.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh B. Pham whose telephone number is (571) 272-

4116. The examiner can normally be reached on Monday through Friday 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on (571) 272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Khanh B. Pham/  
Primary Examiner  
Art Unit 2166

August 30, 2010